

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

August 28, 2009

Mr. Pablo Diaz-Alequin
(Address withheld)
Las Piedras, Puerto Rico 00771

Re: Amateur Radio License KP4MC
EB-09-GB-0187

Dear Mr. Diaz-Alequin:

According to Commission records, on January 16, 2004, you requested the call sign KP4MC as a “former holder” of that call sign. By letter dated June 17, 2009, the Commission notified you that it was unable to find documentation that you were indeed a former holder of KP4MC and requested that you provide documentation that you held KP4MC prior to your January 16, 2004 grant.¹

You responded to the Commission’s letter on August 26, 2009 via a telephone call made on your behalf by an English speaking colleague. During the course of that call, your colleague acknowledged that you were not a former holder of call sign KP4MC. Your colleague noted, however, that you did not knowingly make the claim that you were a former holder but that instead you inadvertently checked box “A” when you meant to check box “E.” She further indicated that Spanish was your first language and that it was often difficult for you to understand the English text in the forms.

A review of Commission records indicates that in your application of January 16, 2004, you did indeed request the call sign KP4MC pursuant to the “former holder” exemption. While we do recognize that, in your instance, there was an error in completing the application due to a language barrier, we note that you did receive a call sign under an exemption for which you were not eligible.

Accordingly, you have twenty (20) days from the date of receipt of this letter to voluntarily file an application to modify your current call sign back to your prior call sign of WP3SG or to apply for another call sign for which you are eligible.

¹ The Commission sent you a second letter on August 17, 2009, notifying you that you had failed to respond to the Commission’s initial letter of inquiry and directing you to respond to this office within 14 days of receipt of that second letter.

Should you fail to do this within the prescribed time frame, the Commission will initiate a license modification proceeding against you and will so modify your license on our own motion. In addition, the Commission would have the discretion to pursue possible enforcement action against you for knowingly and willfully making a false statement or concealing a material fact with respect to your original application incorrectly stating that you were a "former holder" of the call sign in question.²

Please call me at (717) 338-2577 if you have any questions about this matter.

Sincerely,

Laura L. Smith
Special Counsel

Cc: San Juan Field Office
South Central Regional Director

² See 18 U.S.C. § 1001; *see also* 47 C.F.R. § 1.17.